

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO: 11789 of 2005

Between:

- 1 L.V.S.Narayana E-501680, Typist S/o.Rama Rao,
Tanuku. West Godavari Dist.
- 2 P.P.Sankar Rao, E-72558, Electrician (DC) S/o.Veeraswamy,
Tanuku Depot, Tanuku, West Godavari Dist.

(Both are R/o Tanuku, West Godavari District)

.... PETITIONERS

AND

- 1 The APSRTC, Rep. by its Managing Director, Musheerabad,
Hyderabad.
- 2 The Regional Manager, APSRTC, W.G.Region, at Eluru,
West Godavari District.
- 3 The Depot Manager, APSRTC, Tanuku, West Godavari
District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents herein in not granting the selection grade scale stagnation increments to the petitioners on completion of 12 years service is illegal, unjust and arbitrary, contrary to well established principles of law and as such set aside the same by directing the respondents herein to add the stagnation increment to the petitioners on completion of 12 years of service irrespective of their transfer from the date of initial appointment and to pay the arrears by refixing the pay of all the petitioners forthwith and to pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.S.M.SUBHAN

Counsel for the Respondents: MRS.M.UMA DEVI

SC for APSRTC

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioners seeking a writ of *Mandamus* declaring the action of the respondents in not granting the Selection Grade Scale/Stagnation increments to the petitioners, on completion of 12 years of service as illegal, unjust, arbitrary and contrary to the established principles of law and consequently sought for a direction to the respondents to grant stagnation increments to the petitioners, on completion of 12 years of service, irrespective of their transfer from the date of initial appointment and to pay the arrears by refixing the pay of the petitioners.

2. It is stated that the first petitioner joined the respondent Corporation in the year 1989 while the second petitioner joined the same corporation in the year 1981, and as such they have completed 12 years of service by 2001 and 1993 respectively. Therefore, they are entitled for the benefit sought for by them in this writ petition. It is stated that the Corporation introduced Selection Grade scales with effect from 1.5.1989 for such of those employees who have completed 12 years or more years of service in a category as on 30th April, 1989. Subsequently, every year as on 30th April of that year, such benefits have been extended to those employees who have completed 12 years or more service in a category by placing them on the Special Grade scale. As the respondents have not granted such benefit in spite of the fact that the issue is covered by the decision of a Division Bench of this Court in **A.P.S.R.T.C vs. P.Kanakaiah**, the petitioners sought for the similar relief. In the said judgment, it was also stated that the judgment of the Division Bench of this Court was even confirmed in Special Leave Petition.

3. Learned counsel for the respondent-Corporation, however fairly conceded that the issue is covered by the judgment of this Court, but, however, the fact whether the petitioners have completed 12 years of service or not has to be verified.

4. Heard both sides and considered the material on record.

5. The writ petition is disposed of in view of the fact that the issue is covered by the judgment of this Court in the above referred decision, directing the respondents to grant the benefit of Selection Grade scale to the petitioners on completion of 12 years of service, if they have completed the said period in the Corporation. The order is directed to be implemented within eight weeks from the date of receipt of a copy of this order. No order as to costs.

S.ANANDA REDDY, J

Dated: 07.6.2005.

RAR/KVH

To

1 The Managing Director, APSRTC Musheerabad,

Hyderabad.

2 The Regional Manager, APSRTC, W.G.Region, at Eluru,

W.G.District.

3 The Depot Manager, APSRTC, Tanuku, West Godavari

District.

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